

EOC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>31408</u>
DATE FILED: <u>3/12/08</u>
INDICTMENT

BEHZAD ZAMAN,
a/k/a "Ben Zaman," : 08 Cr.

:

Defendant. : **08 CRIM.****209**

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COUNT ONE

The Grand Jury charges:

1. From at least in or about January 2007 up to and including in or about March 2008, in the Southern District of New York and elsewhere, BEHZAD ZAMAN, a/k/a "Ben Zaman," the defendant, and others known and unknown, unlawfully, wilfully, and knowingly combined, conspired, confederated, and agreed together and with each other to violate the laws of the United States, to wit, to violate Section 1546(a) of Title 18, United States Code.

2. It was a part and an object of the conspiracy that BEHZAD ZAMAN, a/k/a "Ben Zaman," the defendant, and others known and unknown, unlawfully, wilfully, and knowingly would and did use, possess, obtain, accept, and receive an immigrant and nonimmigrant visa, permit, border crossing card, alien registration receipt card and other document prescribed by statute and regulation for entry into and as evidence of

authorized stay and employment in the United States, knowing it to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, in violation of Title 18, United States Code, Section 1546(a).

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about January 2007, BEHZAD ZAMAN, a/k/a "Ben Zaman," the defendant accessed a federal database program maintained by the Department of Homeland Security (the "Database"), which is used to track the status of all foreign nationals studying at educational institutions in the United States, in order to input information for a co-conspirator not named herein as a defendant ("CC-1") into the Database stating that CC-1 was attending an educational institution in the United States, when, in truth and in fact, CC-1 was not attending that educational institution, so that CC-1 could maintain lawful immigrant status in the United States on a student visa.

b. In or about January 2007, ZAMAN provided CC-1 with fraudulent documents, which represented that CC-1 was attending an educational institution in the United States, when,

in truth and in fact, CC-1 was not attending that educational institution, so that CC-1 could maintain lawful immigrant status in the United States on a student visa.

c. On or about January 15, 2008, CC-1 mailed to ZAMAN \$1,400 in the form of two money orders from an address located in New York, New York.

(Title 18, United States Code, Section 371.)

COUNT TWO

The Grand Jury further charges:

4. BEHZAD ZAMAN, a/k/a "Ben Zaman," the defendant, and others known and unknown, unlawfully, wilfully, and knowingly would and did use, possess, obtain, accept, and receive an immigrant and nonimmigrant visa, permit, border crossing card, alien registration receipt card and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, knowing it to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, to wit, ZAMAN accessed a federal database program maintained by the Department of Homeland Security (the "Database"), which is used to track the status of all foreign nationals studying at educational institutions in the United States, in order to input information for a co-conspirator not

named herein as a defendant ("CC-1") into the Database stating that CC-1 was attending an educational institution in the United States, when, in truth and in fact, CC-1 was not attending that educational institution, so that CC-1 could maintain lawful immigrant status in the United States on a student visa.

(Title 18, United States Code, Section 1546(a).)

Forfeiture Allegations

5. As the result of committing the offenses alleged in Counts One and Two of this Indictment, BEHZAD ZAMAN, a/k/a "Ben Zaman," the defendant, shall forfeit to the United States pursuant to Title 18, United States Code, Sections 982(a)(3) and 982(a)(6), all conveyances used in the commission of the violations; all property, real and personal, that constitutes or is derived from or is traceable to proceeds obtained directly or indirectly from the commission of the offenses; and all property, real or personal, that was used to facilitate, or was intended to be used to facilitate, the commission of the offenses, including but not limited to the following:

a. Money Judgment

A sum of money representing property that was involved, directly or indirectly, in the offenses or is traceable to such property.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of BEHZAD ZAMAN, a/k/a "Ben Zaman," the defendant:

a. cannot be located upon the exercise of due diligence;

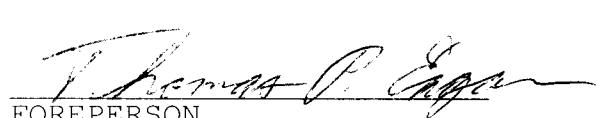
b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of BEHZAD ZAMAN, a/k/a "Ben Zaman," the defendant, up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 982(a)(3) and 982(a)(6).)


Thomas P. Egan
FOREPERSON


MICHAEL J. GARCIA
United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

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BEHZAD ZAMAN,

Defendant.

INDICTMENT

08 Cr.

(18 U.S.C. §§ 371, 1546(a))

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Thomas P. Eager
Foreperson.
